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FILED

MAR 29 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

8 Attorneys for the United States

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,) No. CR 09-0580 JW (HRL)
13 Plaintiff,) STIPULATION AND [PROPOSED]
14 v.) ORDER EXCLUDING TIME FROM
15 CHRISTINA AVILA-SOTO,) SPEEDY TRIAL ACT CALCULATION
16 Defendant.) (18 U.S.C. § 3161(h)(7)(A))

17 With the agreement of the parties in open court, and with the consent of defendant
18 Christina Avila-Soto, the Court enters this order documenting exclusion of time from March 28,
19 2011 through April 18, 2011 under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1). The parties
20 agree, and the Court finds and holds, as follows:

21 1. Defendant was indicted on June 3, 2009. On May 5, 2010, this case was
22 reassigned to the Executive Committee pursuant to General Order 44E.5 (Reassignment of
23 Fugitive Criminal Cases). On March 28, 2011, defendant made her first appearance in this
24 District on this case and was arraigned on the indictment. On March 28, 2011, this case was
25 assigned to Chief Judge Ware.

26 2. At the appearance on March 28, 2011, the parties requested that the defendant

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1 make her initial appearance in District Court on April 18, 2011.

2 3. Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to
3 grant the requested continuance would unreasonably deny defendant continuity of counsel and
4 reasonable time necessary for effective preparation, taking into account the exercise of due
5 diligence, in this case. The Court found that the ends of justice served by excluding the period
6 from March 28, 2011 through April 18, 2011 from Speedy Trial Act calculations outweigh the
7 best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) &
8 (B)(iv).

9 4. Accordingly, and with the consent of the defendant at the appearance on March
10 28, 2011, the Court ordered that the period from March 28, 2011 through April 18, 2011 be
11 excluded from Speedy Trial Act calculations. *Id.*

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13 IT IS SO STIPULATED.

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15 DATED: March 28, 2011

\s/
VARELL FULLER
Attorney for Defendant

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18 DATED: March 28, 2011

\s/
ALLISON MARSTON DANNER
Assistant United States Attorney

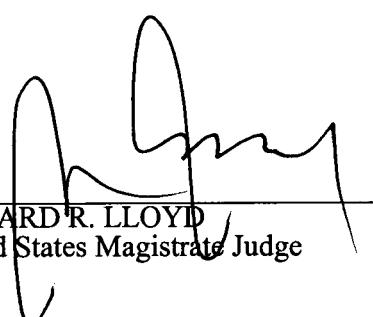
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IT IS SO ORDERED.

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23 DATED: 3/29/11

HOWARD R. LLOYD
United States Magistrate Judge



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